

COUNCIL MEETING MINUTES

Monday 18 September 2023
Council Chambers, St Helens

John Brown, General Manager
Break O'Day Council
18 September 2023

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AUDIO RECORDING OF ORDINARY MEETINGS OF COUNCIL

As determined by Break O’Day Council in March 2019 all Ordinary, Special and Annual General Meetings of Council are to be audio recorded and a link will be available on the Break O’Day Council website where the public can listen to audio recordings of previous Council Meetings.

In accordance with the Local Government Act 1993 and Regulation 33 of the Local Government (Meeting Procedures) Regulations 2015, these audio files will be retained by Council for at least six (6) months and made available for listening online within seven (7) days of the scheduled meeting. The written minutes of a meeting, once confirmed, prevail over the audio recording of the meeting and a transcript of the recording will not be prepared.

OPENING

The Mayor welcomed Councillors, staff and members of the public and declared the meeting open at 10.00am.

ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the Traditional Custodians of the land on which we work and live, the Palawa people of this land Tasmania, and recognise their continuing connection to the lands, skies and waters. We pay respects to the Elders Past, present and future.

09/23.1.0 ATTENDANCE

09/23.1.1 Present

Mayor Mick Tucker
Deputy Mayor Kristi Chapple
Councillor Ian Carter
Councillor Janet Drummond
Councillor Liz Johnstone
Councillor Barry LeFevre
Councillor Vaughan Oldham
Councillor Kylie Wright

09/23.1.2 Apologies

Councillor Gary Barnes

09/23.1.3 Leave of Absence

Nil

09/23.1.4 Staff in Attendance

General Manager, John Brown
Corporate Services Officer, Rebecca Wood
Manager Infrastructure and Development Services, David Jolly (1.0 – 18.4)
Senior Planning Officer, Deb Szekely (1.0 – 6.2)
Governance Officer, Molli Brown (1.0 – 18.4)
Development Services Coordinator, Jake Ihnen (1.0 – 16.3)
Planning Officer, Alex McKinlay (1.0 – 6.4)
Manager Business Services, Raoul Harper (1.0 – 17.4)
Corporate Service Coordinator, Angela Matthews (13.0 – 13.4)
Economic Development Officer, Anna Williams (17.0 – 17.4)
Mental Health and Wellbeing Coordinator, Leah Page (15.0 - 15.1)
NRM Facilitator, Polly Buchhorn (14.4– 16.3)

09/23.2.0 PUBLIC QUESTION TIME

Five (5) people in the gallery.

In accordance with Section 31(1) of the Local Government (Meeting Procedures) Regulations 2015 the following questions were submitted in writing prior to the Council Meeting.

09/23.2.1 St Helens Online Access Centre - Rosina Gallace OBO St Helens Online Access Centre

We requesting for an update on the following extract from the 20 March BODC meeting regarding the transition to a model to fit the BODC community for the St Helens Online Access Centre. We are available for any information or discussions required to assist with this transition proposal.

Page 32, 03/23.15.6, File Reference 018\019\078\
Financial Support for the St Helens Online Access Centre

“Where the Council recommends coming in to help establish what the new model will look like and how to integrate multiple services from State Government Departments. The Minister recommends that the BODC be in at the start of this planning to ensure a model which is designed to suit our Break O’Day Community. We now have 18 months to work with the Online Centre to help in this transition”.

Reply:

The future delivery of the important services delivered to the community by Online Access Centres was again raised with the Minister during a meeting with the Mayor and General Manager on 31 August 2023 and whilst the discussion did not progress a local model to service the Break O’Day community the Minister understands the increasing urgency of the situation and the need for clarity.

09/23.2.2 Request for PA System for St Marys Town Hall – Councillor Wright OBO Wendy Fowler, St Marys

Can council supply a PA system for the St Marys Town hall, to aid in the facilitation of local meetings and events?

Example being the most recent meeting regarding the St Marys Medical situation, with large number of attendees being unable to hear what was being said by the visiting speakers, and locals alike.

Also previous gathering such as “Meet the Candidate” forums etc..

Reply:

Council currently has a portable PA system which is available for hire for meetings and events. When the hall is booked for meetings in the future, Council officers will check whether a PA is required and provide the necessary instruction on the use of the system. Given the infrequent use it is not logical to store a PA at the St Marys Hall

09/23.2.3 Carpark at Old Scamander Bridge Site – Councillor Wright OBO Janine Sweet, Scamander

Is there any plan for upgrading the existing dirt car park at the site of the old Scamander bridge, where there is now a well used boat ramp?

Small cars and general vehicles have difficulty traversing the area due to the numerous potholes and rough surface .

The noise factor is quite high for people live close to the carpark/boat ramp, with small boats bouncing around on the potholed surface.

Reply:

There is no plan to upgrade the area

The area is used for heavy vehicle turning and is subject to flooding. Upgrading by sealing is not a preferred option given the proneness to flood water inundating this area which will result in sections of the seal being lifted and expensive repairs.

Pot holing will be scheduled in with existing works activities. The area is scheduled to be regraded during October and mid November

09/23.2.4 Climate Change – Councillor Johnstone OBO Jo Trevelyan, Falmouth

Firstly, I want to thank the Council for their answer to my Question to the July meeting. I note that there are many collaborative efforts with other councils and organisations planned and many

decisions need to take global warming into account. As a local resident I am very keen to know what measurable steps have been taken so far in these directions. In other words what has actually been done?

My question for August is, could council please outline what measurable changes relating to residents welfare, environmental protection and mitigation of global warming (eg more street trees to keep pavements cooler in summer) have been taken to implement these collaborations and policies?

Reply:

The Break O' Day Council has been implementing climate change mitigation and adaptation measures to prepare and protect the community and environment and reduce carbon emissions for a number of years. Council has installed solar panels, Home Energy Audit Toolkits have been loaned to households for 20 years, we have replaced all of our street lights with more energy efficient LED lighting and vehicle fleet and new infrastructure has been designed to future sea level projections. The whole of the municipality has been assessed for flood risk and that knowledge is applied by development proponents and Council to reduce flood risk the community faces. These are a number of areas of Council's work in planning, emergency management, community services and infrastructure and its own operations where we have taken climate change mitigation and adaptation action.

Similar and much more action has been taken by households, businesses, other governments and the whole community too. However, with them, Council is also seeing recent signals that this has not been enough to avoid what is now an increasingly concerning and urgent need for more action.

As predicted July has been the hottest month ever recorded and the need for action on Climate Change increased. The UN secretary general Antonio Guterres has called the time we are now entering global boiling. This may sound like hyperbole, but is actually, a call of desperation for immediate action. We can't do the work of the Federal Govt, we can't do the work of international governments and organisations, but we can make Break O Day as safe as possible and a leader amongst local governments.

As a ratepayer, this is what I expect my local council to do in these unprecedented times.

I respectfully ask councillors when they will consider declaring a climate emergency to underpin this process?

Reply:

The Mayor, Mick Tucker, said: "This is an issue that we need to work collaboratively on ... this is an emergency," in The Examiner newspaper in August, after launching of the Northern Tasmania Alliance of Resilient Councils partnership on climate change action. Council considered a call for it to declare a 'climate emergency' in 2019.

There are things we can all do to take action in Break O' Day on the global challenges of climate change. Council will continue to apply in its business what resources it can on this serious and urgent issue, and welcomes and encourages constructive action by the community.

09/23.2.5 St Marys Hospital – Councillor Drummond OBO Barbara Longue, St Marys

I am grateful to council and the mayor for their help to date and their support in keeping the hospital open, but what could council do now to support ochre or another provider with housing for their staff or other support for a new GP practice in St Marys?

Reply:

Council owns a residence in Franks Street St Marys which is currently leased to the Department of Health and Human Services and managed through the St Marys Community Health Centre. Council understands that previously it has been used to provide accommodation for visiting Locums. Council does not own any other residences in St Marys or surrounding towns.

09/23.3.0 DECLARATION OF INTERESTS OF A COUNCILLOR OR CLOSE ASSOCIATE

Section 48 or 55 of the Local Government Act 1993 requires that a Councillor or Officer who has an interest in any matter to be discussed at a Council Meeting that will be attended by the Councillor or Officer must disclose the nature of the interest in a written notice given to the General Manager before the meeting; or at the meeting before the matter is discussed.

A Councillor or Officer who makes a disclosure under Section 48 or 55 must not preside at the part of the meeting relating to the matter; or participate in; or be present during any discussion or decision making procedure relating to the matter, unless allowed by the Council.

Nil

09/23.4.0 CONFIRMATION OF MINUTES

09/23.4.1 Confirmation of Minutes – Council Meeting 21 August 2023

OFFICER'S RECOMMENDATION:

That the minutes of the Council Meeting held on the 21 August 2023 be confirmed.

DISCUSSION:

Nil

COUNCIL DECISION

09/23.4.1.207 Moved: Clr B LeFevre/ Seconded: Clr K Chapple

That the minutes of the Council Meeting held on the 21 August 2023 be confirmed.

CARRIED UNANIMOUSLY

09/23.5.0 COUNCIL WORKSHOPS HELD SINCE 21 AUGUST 2023 COUNCIL MEETING

There was a Workshop held on Monday 4 September 2023 and the following items were listed for discussion.

- Review of Council Delegations
- Animal Control Report
- Waster Transfer Station – Tyre Disposal Charges
- Open Spaces Grants Program – Round 1: Proposed Projects
- Potential Projects: Local Roads & Community Infrastructure Program – Phase 4
- Wellbeing Project and Festival of Wellbeing
- Pending Development Application Updates
- Naming of Road (Archie Court) – Annie Street Subdivision – DA 266-2005
- Dog Exercise Area Opportunities for St Marys
- 2022-2023 Annual Plan Review
- Break O'Day Tourism Development Strategy 2012-2017 Review
- The Lease of a portion of 29 Talbot Street, Fingal to Centacare Evolve Housing
- Fingal Housing Petition – Council Response

09/23.6.0 PLANNING AUTHORITY

Pursuant to Section 25 of the Local Government (Meeting Procedures) Regulations 2015 the Mayor informed the Council that it was now acting as a Planning Authority under the Land Use Planning and Approvals Act 1993.

09/23.6.1 DA 130-23 Residential & Visitor Accommodation – Construction of a Single Dwelling and Carport & Construction of Visitor Accommodation

FILE REFERENCE	DA 130-23
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OFFICER'S RECOMMENDATION:

After due consideration of the application received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for RESIDENTIAL & VISITOR ACCOMMODATION – CONSTRUCTION OF A SINGLE DWELLING AND CARPORT & CONSTRUCTION OF VISITOR ACCOMMODATION on land situated at 5 FYSH PLACE, STIEGLITZ described in Certificate of Title 182325/2 be APPROVED subject to the following conditions:

1. Development must be carried out in accordance with the approved plans and documents listed as follows, except as varied by conditions on this Planning Permit.

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Town Planning Response	J22127-DA01	Cumulus Studio PTY LTD	10/07/2023
Site Plan	J22127-DA02	Cumulus Studio PTY LTD	10/07/2023
Ground + Upper Floor – Dwelling A	J22127-DA03	Cumulus Studio PTY LTD	10/07/2023
Ground Floor Plan – Dwelling B	J22127-DA04	Cumulus Studio PTY LTD	10/07/2023
First Floor Plan – Dwelling B	J22127-DA05	Cumulus Studio PTY LTD	10/07/2023
Elevations – Dwelling A	J22127-DA06	Cumulus Studio PTY LTD	10/07/2023
Elevations – Dwelling B	J22127-DA07	Cumulus Studio PTY LTD	10/07/2023
Elevations – Carport	J22127-DA08	Cumulus Studio PTY LTD	10/07/2023
Shade Diagrams	J22127-DA09	Cumulus Studio PTY LTD	10/07/2023

1. The areas shown to be set aside for vehicle access and car parking must be:
 - a. completed before the use of the development;
 - b. provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
 - c. surfaced with a pervious dust free surface and drained to Council's stormwater drainage system.
2. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
3. During the period of construction, works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.

4. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
5. Native vegetation must not be removed outside that necessitated by the proposed development (this includes the clearing of vegetation to retain or expand views or vistas) unless consented to by Council.
6. Sewage must be disposed via TasWater sewerage system.
7. All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Works Operations Manager.
8. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.

ADVICE

1. This permit allows for residential use for proposed Dwelling B and visitor accommodation use for proposed Dwelling A. If either a visitor accommodation use is being sought for Dwelling B or a residential use for Dwelling A, lodgement of an additional development application will be required.
2. Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. If Aboriginal relics are uncovered during works then an Aboriginal site survey is required to determine the level of impact and the appropriate mitigation procedures.
3. Activities associated with construction works are not to be performed outside the permissible time frames listed:

Mon-Friday 7 am to 6 pm

Saturday 9 am to 6 pm

Sunday and public holidays 10 am to 6 pm

INTRODUCTION:

The applicant is seeking approval for the development of a single dwelling (Dwelling B) and associated carport & construction of a visitor accommodation (Dwelling A) for the subject site at Fysh Place, Stieglitz (CT 182325/2). The proposed development will be serviced by an existing crossover for access purposes, a new internal gravel driveway and is intended to connect to existing reticulated services including stormwater, water and sewer.

The submitted floor plan for the proposed single dwelling demonstrates the following layout is intended for the ground floor: Deck, Living Room, Kitchen, Bedroom, Bathroom, Laundry and Porch. Notably, the floor plan for the proposed carport which will be subservient to the dwelling showed the provision of 1 car parking space, parking space/ storage area for motor bikes, storage area and

a push bike storage area. The second storey of the proposed dwelling illustrates the following room layout: Study and Master Bedroom. With regards to the visitor accommodation, the following layout has been shown: Porch, Bathroom, Laundry, Deck, Kitchen and Living Area on the ground floor and a bedroom on the upper floor.

DISCUSSION:

- The Planning Officer advised:
 - The applicant is seeking approval for a two bedroom dwelling and visitor accommodation.
 - The application is discretionary based on six (6) items.
 - Two representations were received.
 - The first representation noted misrepresentations in the provided site plans, questions about the visual window for the adjoining property, the two (2) fire places proposed, the bin storage area, privacy concerns about the outdoor bath, the setback of structures from the front boundary and concerns about solar panels.
 - The second representation focused on the visitor accommodation not being compatible with the surrounding area, and that they felt the design of visitor accommodation was more like what would be found in a caravan or holiday park. They also noted concerns regarding privacy for the outdoor bath and the lack of planning scheme response.
 - The application is recommended for approval with conditions.
- Councillor LeFevre supported the Officer’s recommendation and noted the conditions and advice.

COUNCIL DECISION:

09/23.6.1.208 Moved: Clr B LeFevre/ Seconded: Clr K Chapple

After due consideration of the application received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O’Day Interim Planning Scheme 2013* that the application for RESIDENTIAL & VISITOR ACCOMMODATION – CONSTRUCTION OF A SINGLE DWELLING AND CARPORT & CONSTRUCTION OF VISITOR ACCOMMODATION on land situated at 5 FYSH PLACE, STIEGLITZ described in Certificate of Title 182325/2 be APPROVED subject to the following conditions:

1. Development must be carried out in accordance with the approved plans and documents listed as follows, except as varied by conditions on this Planning Permit.

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Town Planning Response	J22127-DA01	Cumulus Studio PTY LTD	10/07/2023
Site Plan	J22127-DA02	Cumulus Studio PTY LTD	10/07/2023
Ground + Upper Floor – Dwelling A	J22127-DA03	Cumulus Studio PTY LTD	10/07/2023

Ground Floor Plan – Dwelling B	J22127-DA04	Cumulus Studio PTY LTD	10/07/2023
First Floor Plan – Dwelling B	J22127-DA05	Cumulus Studio PTY LTD	10/07/2023
Elevations – Dwelling A	J22127-DA06	Cumulus Studio PTY LTD	10/07/2023
Elevations – Dwelling B	J22127-DA07	Cumulus Studio PTY LTD	10/07/2023
Elevations – Carport	J22127-DA08	Cumulus Studio PTY LTD	10/07/2023
Shade Diagrams	J22127-DA09	Cumulus Studio PTY LTD	10/07/2023

1. The areas shown to be set aside for vehicle access and car parking must be:
 - a. completed before the use of the development;
 - b. provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
 - c. surfaced with a pervious dust free surface and drained to Council’s stormwater drainage system.
2. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
3. During the period of construction, works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
4. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
5. Native vegetation must not be removed outside that necessitated by the proposed development (this includes the clearing of vegetation to retain or expand views or vistas) unless consented to by Council.
6. Sewage must be disposed via TasWater sewerage system.
7. All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council’s Works Operations Manager.
8. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.

CARRIED UNANIMOUSLY

09/23.6.2 DA 131-23 Change of Use - Existing Dwelling to Visitor Accommodation and the Construction of a New Dwelling (Residential), Deck, Retaining Wall and Outbuilding with Amenities

FILE REFERENCE	DA 131-23
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OFFICER'S RECOMMENDATION:

After due consideration of the application received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for CHANGE OF USE - EXISTING DWELLING TO VISITOR ACCOMMODATION AND THE CONSTRUCTION OF A NEW DWELLING, DECK, RETAINING WALL AND OUTBUILDING WITH AMENITIES on land situated at 114 GARDENS ROAD, BINALONG BAY described in Certificate of Title 124464/2 be APPROVED subject to the following conditions:

1. Development must be carried out in accordance with the approved plans and documents listed as follows, except as varied by conditions on this Planning Permit.

APPROVED PLANS			
PLAN / DOCUMENT NAME	REFERENCE NUMBER	PREPARED BY	DATED
Location Plan	DA01	Allure Building Design	10/07/2023
Site Plan	DA02	Allure Building Design	10/07/2023
Existing Floor Plan (Proposed Visitor Accommodation)	DA03	Allure Building Design	10/07/2023
Ground Floor Plan	DA04	Allure Building Design	10/07/2023
First Floor Plan	DA05	Allure Building Design	10/07/2023
Elevations	DA06	Allure Building Design	10/07/2023
Elevations	DA07	Allure Building Design	10/07/2023
Shed Floor Plans	DA08	Allure Building Design	10/07/2023
Shed Elevations	DA09	Allure Building Design	10/07/2023
Geo-Environmental Assessment	114 Gardens Road Binalong Bay	Geo-Environmental Solutions	26/06/2023

2. The areas shown to be set aside for vehicle access and car parking must be:
 - a. completed before the use of the development;
 - b. provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
 - c. surfaced with a pervious dust free surface and drained in a manner that will not cause stormwater nuisance.
3. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
4. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
5. A maximum occupancy limit of 2 persons shall be applied to the Visitor Accommodation Use.
6. All works associated with the development must be conducted in accordance with a *Soil and Water Management Plan* developed in accordance with Erosion and Sediment Control on Building Sites (Environment Protection Authority (EPA) Tasmania) published July 2023 and available on the website of EPA Tasmania. All worked areas not covered by structures must be promptly and progressively stabilised (e.g. revegetated) so that they will not erode and/or act as a source of sediment transfer.

7. Works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
8. All runoff from the proposed buildings must be disposed of within the confines of the property by means that will not result in soil erosion or other stormwater nuisance. Soakage drains must be of sufficient size to absorb stormwater runoff.
9. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
10. Standard *Phytophthora* hygiene measures must be implemented for the construction and maintenance of works in accordance with and using the *Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania* (DPIPWE 2015, Eds. K. Stewart & M. Askey-Doran. DPIPWE, Hobart, TAS).
11. Any necessary exterior building lighting must be located under eaves and limited to that essential to allow the safe and secure movement of pedestrians at night in accordance with 14.4.1 A10 of the *Break O'Day Interim Planning Scheme 2013*.
12. Reflective materials must not be used as visible external elements in the building and the colours of external surfaces must be the same shades and tones of the surrounding landscape and vegetation elements in accordance with 14.4.1 Building Design and Siting A6 and A7 of the *Break O'Day Interim Planning Scheme 2013*.
13. All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Works Operations Manager.
14. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.
15. No works are to commence on the removal of the dam until such time as it is established whether a permit for dam works, within the meaning of the Water Management Act 1999 is in force for the same and it is established through site survey or other relevant means, that the dam is wholly located on Certificate of Title 124464/2. Written notification of determination must be provided to Council prior to any works being undertaken.
16. The structure identified on approved plan DA03, titled Existing Floor Plan (Proposed Visitor Accommodation) and dated 10/07/2023 is approved for Visitor Accommodation use class only and is not approved for long term Residential Use.
17. Plants listed in Appendix 3 of the Break O'Day Interim Planning Scheme 2013 (attached) must not be used in landscaping.
18. Engage the expertise of suitably qualified person(s) with local knowledge of endemic vegetation to manage natural regeneration or assisted regeneration of areas previously cleared of vegetation and not associated with bushfire hazard management areas and in particular the north eastern section of the property, over the long term.

ADVICE

1. The property is within the Environmental Living Zone (Interim Planning Scheme) and Landscape Conservation Zone (Tasmanian Planning Scheme) and previous development application material has identified the location of threatened vegetation species onsite. Attached to this permit is a copy of the relevant information. Future management of the site, including the regeneration of native vegetation outside of the Bushfire Hazard Management Area should be informed by knowledge of the endemic vegetation communities found on the site and the presence of threatened vegetation as outlined in the attached information. It is advised that qualified assistance is sought in managing the vegetation on the site including regeneration and maintaining existing native vegetation. Onsite management of vegetation should also address the historic removal of vegetation in areas not affected by development and work toward the future management of natural values, including threatened vegetation and its role in connectivity to adjoining vegetation communities. Landowners are encouraged to seek advice from local suitably qualified people, for assistance.
2. The fuel-modified buffer zone should be selectively maintained to ensure that any threatened species habitat or species of conservation significance, which germinate, and seed are retained.
3. This advice relates to condition 15 of the Permit. Section 60A of *Land Use Planning and Approvals Act 1993* (the Act), outlines that a permit for dam works is not required under the Act if a permit for dam works, within the meaning of the *Water Management Act 1999* is in force under that Act.
4. Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. If Aboriginal relics are uncovered during works then an Aboriginal site survey is required to determine the level of impact and the appropriate mitigation procedures.
5. The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.
6. Activities associated with construction works are not to be performed outside the permissible time frames listed:
Mon-Friday 7 am to 6 pm
Saturday 9 am to 6 pm
Sunday and public holidays 10 am to 6 pm

INTRODUCTION:

The applicant is seeking approval for a change of use from Residential Use Class to Visitor Accommodation Use Class to the existing dwelling on the site in addition to the construction of a new dwelling (Residential Use Class), deck and retaining wall. The development application also includes the construction of an outbuilding with amenities and office (Residential Use). The application is a discretionary application and was assessed against the *Break O' Day Interim Planning Scheme 2013* Version 21. The property was purchased by the current owners in October 2021.

Relevant previous and current application material is presented below and demonstrates the extent of development on the site.

1. DA003-2014 DIANE & ANDREW PAYNE - 114 THE GARDENS ROAD, BINALONG BAY - DWELLING & SHED . Note: only the shed was constructed.

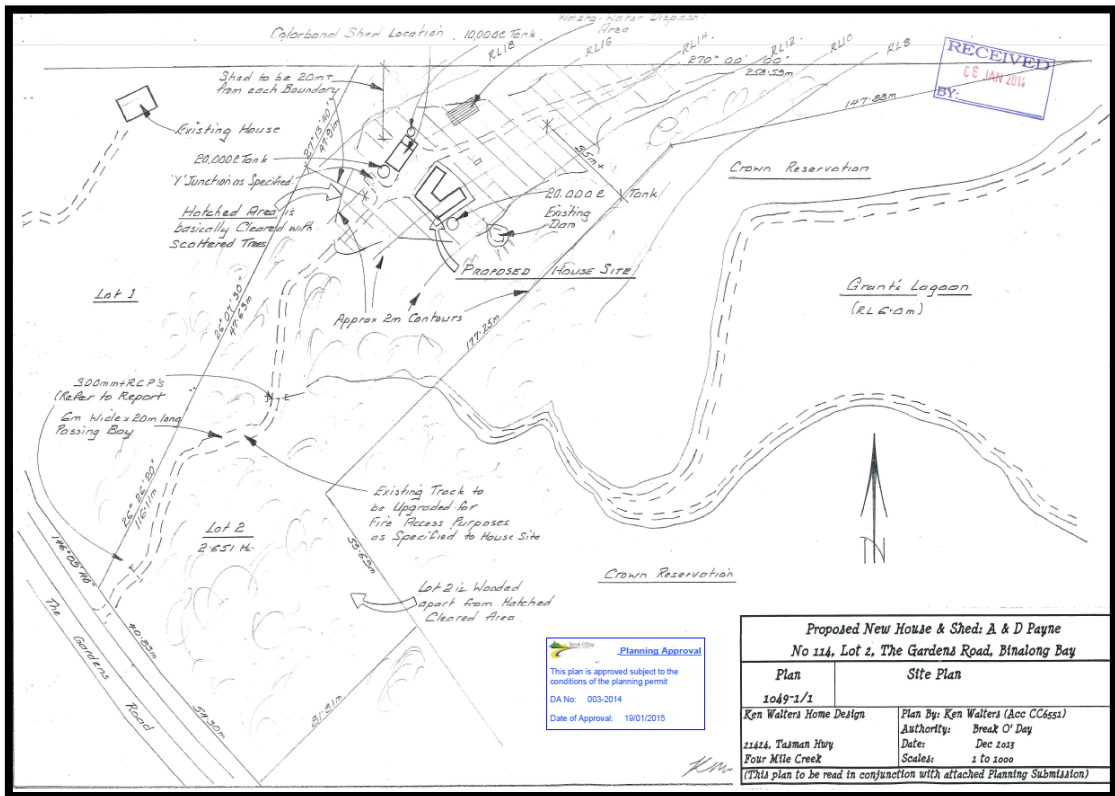
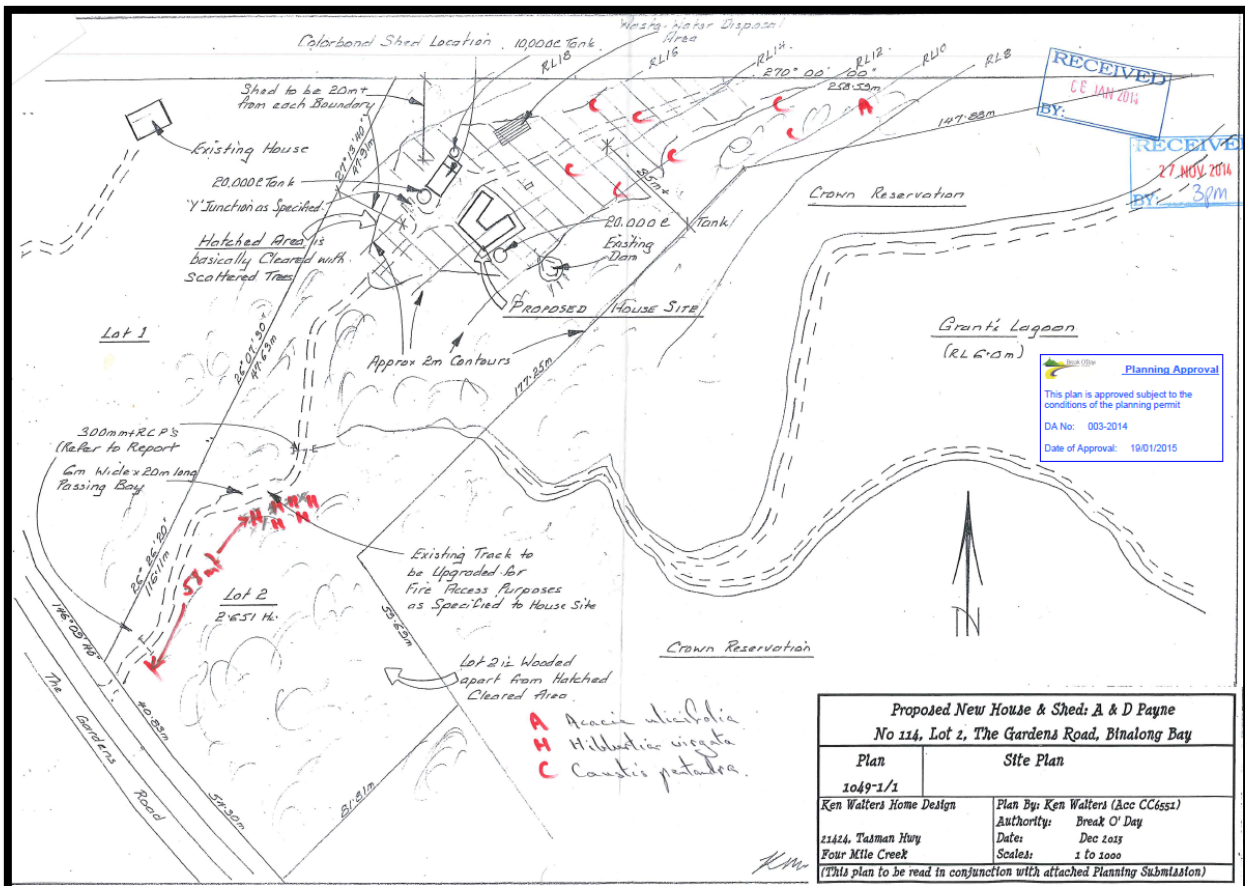


Figure 1. Approved Site Plan DA003-2014



- The property has previously had Development Applications approved. Initially only the shed was actually built, the second applications was to change the structure to a shed with amenities and then an additional application was received to change the structure to a dwelling.
 - The current application is to change the existing dwelling to visitor accommodation and construct a new dwelling.
 - Vegetation clearing has occurred on site which was mainly related to previous development applications. One additional area cleared in the north east corner has been addressed with a condition and advice as part of the permit.
 - None of the vegetation clearing was done by the current owners of the property.
 - One (1) representation was received regarding the vegetation clearing which had been done on site.
 - The application has been recommended for approval with 18 conditions.
- Councillor Chapple said she fully supports the recommendation and felt it was a really good outcome that the current property owners replace the vegetation cleared by the previous owners. Councillor LeFevre agreed.
 - Councillor Wright asked about why a flora and fauna report was not done for this application only for the previous application. The Senior Town Planner advised that the flora and fauna report from the previous application was sought for the clearing of vegetation. This new application does not require clearing of any vegetation so therefore a report was not required.
 - Councillor Johnstone thanked the Senior Town Planner for her work around the cleared vegetation in the north east corner and organising for this to be redone.
 - Councillor Drummond asked what is the follow up process to ensure conditions are being complied with. The Senior Town Planner said we do have a compliance section but we also have an internal system that notes that we need to look at this property in 12 months. She also noted that the revegetation will be a combination of purposeful and natural regeneration of the site.

COUNCIL DECISION:

09/23.6.2.209 Moved: Clr K Chapple / Seconded: Clr B LeFevre

After due consideration of the application received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for CHANGE OF USE - EXISTING DWELLING TO VISITOR ACCOMMODATION AND THE CONSTRUCTION OF A NEW DWELLING, DECK, RETAINING WALL AND OUTBUILDING WITH AMENITIES on land situated at 114 GARDENS ROAD, BINALONG BAY described in Certificate of Title 124464/2 be APPROVED subject to the following conditions:

1. Development must be carried out in accordance with the approved plans and documents listed as follows, except as varied by conditions on this Planning Permit.

APPROVED PLANS

PLAN / DOCUMENT NAME	REFERENCE NUMBER	PREPARED BY	DATED
Location Plan	DA01	Allure Building Design	10/07/2023
Site Plan	DA02	Allure Building Design	10/07/2023
Existing Floor Plan (Proposed Visitor Accommodation)	DA03	Allure Building Design	10/07/2023
Ground Floor Plan	DA04	Allure Building Design	10/07/2023
First Floor Plan	DA05	Allure Building Design	10/07/2023
Elevations	DA06	Allure Building Design	10/07/2023
Elevations	DA07	Allure Building Design	10/07/2023
Shed Floor Plans	DA08	Allure Building Design	10/07/2023
Shed Elevations	DA09	Allure Building Design	10/07/2023
Geo-Environmental Assessment	114 Gardens Road Binalong Bay	Geo-Environmental Solutions	26/06/2023

2. The areas shown to be set aside for vehicle access and car parking must be:
 - a. completed before the use of the development;
 - b. provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
 - c. surfaced with a pervious dust free surface and drained in a manner that will not cause stormwater nuisance.
3. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
4. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
5. A maximum occupancy limit of 2 persons shall be applied to the Visitor Accommodation Use.
6. All works associated with the development must be conducted in accordance with a *Soil and Water Management Plan* developed in accordance with Erosion and Sediment Control on Building Sites (Environment Protection Authority (EPA) Tasmania) published July 2023 and available on the website of EPA Tasmania. All worked areas not covered by structures must be promptly and progressively stabilised (e.g. revegetated) so that they will not erode and/or act as a source of sediment transfer.
7. Works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
8. All runoff from the proposed buildings must be disposed of within the confines of the property by means that will not result in soil erosion or other stormwater nuisance. Soakage drains must be of sufficient size to absorb stormwater runoff.
9. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.

10. Standard *Phytophthora* hygiene measures must be implemented for the construction and maintenance of works in accordance with and using the *Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania* (DPIPWE 2015, Eds. K. Stewart & M. Askey-Doran. DPIPWE, Hobart, TAS).
11. Any necessary exterior building lighting must be located under eaves and limited to that essential to allow the safe and secure movement of pedestrians at night in accordance with 14.4.1 A10 of the *Break O'Day Interim Planning Scheme 2013*.
12. Reflective materials must not be used as visible external elements in the building and the colours of external surfaces must be the same shades and tones of the surrounding landscape and vegetation elements in accordance with 14.4.1 Building Design and Siting A6 and A7 of the *Break O'Day Interim Planning Scheme 2013*.
13. All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Works Operations Manager.
14. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.
15. No works are to commence on the removal of the dam until such time as it is established whether a permit for dam works, within the meaning of the Water Management Act 1999 is in force for the same and it is established through site survey or other relevant means, that the dam is wholly located on Certificate of Title 124464/2. Written notification of determination must be provided to Council prior to any works being undertaken.
16. The structure identified on approved plan DA03, titled Existing Floor Plan (Proposed Visitor Accommodation) and dated 10/07/2023 is approved for Visitor Accommodation use class only and is not approved for long term Residential Use.
17. Plants listed in Appendix 3 of the Break O'Day Interim Planning Scheme 2013 (attached) must not be used in landscaping.
18. Engage the expertise of suitably qualified person(s) with local knowledge of endemic vegetation to manage natural regeneration or assisted regeneration of areas previously cleared of vegetation and not associated with bushfire hazard management areas and in particular the north eastern section of the property, over the long term.

CARRIED UNANIMOUSLY

FILE REFERENCE	DA 154-23
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OFFICER'S RECOMMENDATION:

After due consideration of the application received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for RESIDENTIAL – CONSTRUCTION OF SHED WITH AMENITIES on land situated at 11 SEABREEZE COURT, BEAUMARIS, described in Certificate of Title 148628/5 be APPROVED subject to the following conditions:

1. Development must be carried out in accordance with the approved plans and documents listed as follows, except as varied by conditions on this Planning Permit.

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Proposed Site Plan	A03	Jon Pugh Home Design	19/04/2023
Proposed Shed – Floor Plan	A04	Jon Pugh Home Design	14/04/2023
Proposed Shed Elevations	A05	Jon Pugh Home Design	23/08/2023
Geo-Environmental Assessment	Nil	Geo-Environmental Solutions	June 2023

2. The shed is approved for non-habitable residential use only
3. The areas shown to be set aside for vehicle access and car parking must be:
 - a. completed before the use of the development;
 - b. provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
 - c. surfaced with a pervious dust free surface and drained in a manner that will not cause stormwater nuisance.
4. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
5. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
6. During the period of construction, works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
7. All runoff from the proposed buildings must be disposed of within the confines of the property by means that will not result in soil erosion or other stormwater nuisance. Soakage drains must be of sufficient size to absorb stormwater runoff.
8. Site benching through cut and fill must be in keeping with the physical and environmental capabilities of the site.

9. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
10. Reflective materials must not be used as visible external elements in the building and the colours of external surfaces must be the same shades and tones of the surrounding landscape and vegetation elements in accordance with 14.4.1 Building Design and Siting A6 and A7 of the *Break O'Day Interim Planning Scheme 2013*.
11. All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Works Operations Manager.
12. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.

ADVICE

1. The future dwelling is not approved and will require a separate application to Council.
2. The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.
3. Activities associated with construction works are not to be performed outside the permissible time frames listed:

Mon-Friday 7 am to 6 pm

Saturday 9 am to 6 pm

Sunday and public holidays 10 am to 6 pm

INTRODUCTION:

The applicant is seeking approval for the development of a shed with amenities for the subject site at 11 Seabreeze Court, Beaumaris (CT 148628/5). Proposed development will be serviced by an existing crossover, provision of a new internal gravel driveway and installation of a new onsite wastewater system as the subject site does not have reticulated services available to be connected to. Stormwater generated by the roofed areas of the proposed shed will be directed into two 10,000 litre tanks with overflow being directed on to the ground.

DISCUSSION:

- The Planning Officer advised:
 - The applicant is seeking approval for a shed with amenities and installation of onsite waste water system.
 - The application is discretionary on two (2) items.
 - One (1) representation was received on time and raised concerns regarding the height restrictive covenant and noted that existing structures in the area have been

built in accordance with the covenants. He also noted that he understands that caravan will be stored there and lived in for some time but acknowledged the intent of the owner to build a dwelling in the future. The representor also noted that the proposed shed will impact on amenity in terms of view and potential overshadowing.

- One (1) late representation was received with concerns similar to the first representation.
 - The application is recommended for approval subject to conditions.
- Councillor Carter asked about the acceptable solutions about square metres and height and how this gets assessed. The Planning Officer said that we cannot take the covenant regarding height into account when assessing the application. With regards to the size of the shed, it was assessed against the performance based criteria as it did not meet the acceptable solutions, the assessment concluded it would have a fairly minimal impact on the adjoining properties.
 - Councillor LeFevre asked why do we accept late representations. The General Manager said it is to ensure transparency of the process but we do note that it is late, technically it doesn't have the same rights to appeal as a formal representation does.

COUNCIL DECISION:

09/23.6.3.210 Moved: Clr K Wright / Seconded: Clr K Chapple

After due consideration of the application received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for RESIDENTIAL – CONSTRUCTION OF SHED WITH AMENITIES on land situated at 11 SEABREEZE COURT, BEAUMARIS, described in Certificate of Title 148628/5 be APPROVED subject to the following conditions:

1. Development must be carried out in accordance with the approved plans and documents listed as follows, except as varied by conditions on this Planning Permit.

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Proposed Site Plan	A03	Jon Pugh Home Design	19/04/2023
Proposed Shed – Floor Plan	A04	Jon Pugh Home Design	14/04/2023
Proposed Shed Elevations	A05	Jon Pugh Home Design	23/08/2023
Geo-Environmental Assessment	Nil	Geo-Environmental Solutions	June 2023

2. The shed is approved for non-habitable residential use only
3. The areas shown to be set aside for vehicle access and car parking must be:
 - d. completed before the use of the development;
 - e. provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
 - f. surfaced with a pervious dust free surface and drained in a manner that will not cause stormwater nuisance.

4. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
5. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
6. During the period of construction, works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
7. All runoff from the proposed buildings must be disposed of within the confines of the property by means that will not result in soil erosion or other stormwater nuisance. Soakage drains must be of sufficient size to absorb stormwater runoff.
8. Site benching through cut and fill must be in keeping with the physical and environmental capabilities of the site.
9. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
10. Reflective materials must not be used as visible external elements in the building and the colours of external surfaces must be the same shades and tones of the surrounding landscape and vegetation elements in accordance with 14.4.1 Building Design and Siting A6 and A7 of the *Break O'Day Interim Planning Scheme 2013*.
11. All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Works Operations Manager.
12. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.

FOR Councillor B LeFevre, Councillor L Johnstone, Councillor V Oldham, Councillor K Wright, Councillor K Chapple, Councillor M Tucker

AGAINST Councillor I Carter, Councillor J Drummond

CARRIED

09/23.6.4 DA 276-22 Residential - Construction of Dwelling Additions & Alterations, Garage, Deck and Additional Crossover

FILE REFERENCE	DA 276-22
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OFFICER'S RECOMMENDATION:

After due consideration of the application received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for RESIDENTIAL - CONSTRUCTION OF DWELLING ADDITIONS & ALTERATIONS, GARAGE, DECK AND ADDITIONAL CROSSOVER on land situated at 5 BAYVIEW AVENUE, BINALONG BAY described in Certificate of Title 60263/35 be APPROVED subject to the following conditions:

1. Development must be carried out in accordance with the approved plans and documents listed as follows, except as varied by conditions on this Planning Permit.

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Plan	A001-Sk01	Zuri Creative Studio	16/03/2023
Ground Floor Plan	DA710 - DA02	Zuri Creative Studio	06/10/2022
First Floor Plan	DA711 - DA03	Zuri Creative Studio	05/07/2023
Roof Plan	DA712 - DA02	Zuri Creative Studio	06/10/2022
Elevations 01	DA720 - DA02	Zuri Creative Studio	06/10/2022
Elevations 02	DA721 - DA02	Zuri Creative Studio	06/10/2022
Solar Study	DA731 - DA03	Zuri Creative Studio	05/07/2023
5 Bay View Avenue Stormwater Report	Project Number 22.196	6ty ^o	05/07/2023
On-Site Wastewater Disposal Assessment and Design	Reference No. GL23090Ab	GEOTON	08/03/2023

2. The garage is approved for non-habitable residential use only.
3. The areas shown to be set aside for vehicle access and car parking must be:
 - a. completed before the use of the development;
 - b. provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
 - c. drained in a manner that will not cause stormwater nuisance.
4. All roof drainage must be connected to existing water storage tanks and overflow directed to the kerb which requires a new connection to be made in accordance with standard drawing TSD-SW29-v3.
5. The new crossover must be constructed in accordance with standard drawing TSD-R09-v3.
6. An application must be submitted to obtain a Works Permit prior to undertaking any work on the stormwater connection and/or the crossover.
7. During the period of construction, works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
8. All runoff from the proposed driveway must be disposed of within the confines of the property by means that will not result in soil erosion or other stormwater nuisance. Soakage drains must be of sufficient size to absorb stormwater runoff.

9. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
10. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
11. The location of the absorption area, specifically the boundary setbacks, is consistent with AS 1547 appendix R or, is determined on the basis of a rigorous risk assessment in accordance with AS 1547 – 2012; and, the designer inspect the construction of the absorption area and provide to Council certification that the absorption area has been designed in accordance with AS1547 – 2012, and constructed strictly in accordance with the approved design plan and boundary setbacks.
12. The existing septic tank and trench system must be demolished, treated with lime and backfilled. A report by a suitably qualified practitioner in relation to the required work is to be obtained before the issue of an Occupancy Permit.
13. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
14. Native vegetation must not be removed outside that necessitated by the proposed development (this includes the clearing of vegetation to retain or expand views or vistas) unless consented to by Council.
15. All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Works Operations Manager.
16. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.

ADVICE

1. Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. If Aboriginal relics are uncovered during works then an Aboriginal site survey is required to determine the level of impact and the appropriate mitigation procedures.
2. Activities associated with construction works are not to be performed outside the permissible time frames listed:

Mon-Friday 7 am to 6 pm
Saturday 9 am to 6 pm
Sunday and public holidays 10 am to 6 pm

INTRODUCTION:

The applicant is seeking approval for the development of dwelling additions & alterations, garage, deck and additional crossover for residential purposes on the subject site at 5 Bay View Avenue, Binalong Bay. Submitted plans demonstrate that the proposed development is further intended to be serviced by the provision of an internal driveway in conjunction with an additional crossover and the installation of an Aerated Wastewater Treatment System (AWTS). Stormwater generated by the roofed areas of both the existing dwelling and the proposed development will be directed to three 14,000L tanks with subsequent overflow being disposed into a new kerb connection point via a charged line. Additionally, a fourth tank/5500L garden water tank located along the western side boundary will be installed to capture stormwater generated by the forecourt and driveway areas with subsequent overflow then being discharged into a 20m long and 0.4m wide dispersion trench.

DISCUSSION:

- The Planning Officer advised;
 - That this development application was initially discussed at the July Council meeting and an extension of time was sought to allow informal mediation to occur.
 - During the advertising period four (4) representations were received.
 - The representation raised concerns about the following; the inability to meet the acceptable solutions for site setbacks, potential amenity and privacy concerns due to a window in the ensuite, potential overshadowing impacts on an adjoining property, comments about whether the entirety of the western side boundary will require removal of vegetation and the brick wall on the balcony.
 - The additional three (3) representations raised stormwater and waste water concerns.
 - Informal mediation occurred on 11 August 2023 from 2pm and concluded at approximately 2.30pm. Attendees included the applicant, the property owner and the representor. The concerns raised in the representation were discussed but ultimately no changes were made to the plans as a result of this meeting. Both parties were advised of the process to follow if they are unhappy with the decision made by the Council.
 - The application is being recommended for approval with extensive conditions.
- Councillor LeFevre said he supports the officer's recommendation and he acknowledged the attempt for informal mediation and the extensive conditions included. Councillor Oldham agreed.
- Councillor Carter noted that one tree is being removed, and asked will other vegetation removal be required. If further vegetation removal is required he asked if any replanting will be required to provide more privacy. The Planning Officer said the applicant advised that environmental weeds will be removed and that some tree roots may need to be removed.
- Councillor Chapple noted that this application was originally lacking in info but this has now been provided, she said she is disappointed that there was no progress with the informal mediation process offered.

COUNCIL DECISION:

09/23.6.4.211 Moved: Clr B LeFevre/ Seconded: Clr V Oldham

After due consideration of the application received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for RESIDENTIAL - CONSTRUCTION OF DWELLING ADDITIONS & ALTERATIONS, GARAGE, DECK AND ADDITIONAL CROSSOVER on land situated at 5 BAYVIEW AVENUE, BINALONG BAY described in Certificate of Title 60263/35 be APPROVED subject to the following conditions:

1. Development must be carried out in accordance with the approved plans and documents listed as follows, except as varied by conditions on this Planning Permit.

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Plan	A001-Sk01	Zuri Creative Studio	16/03/2023
Ground Floor Plan	DA710 - DA02	Zuri Creative Studio	06/10/2022
First Floor Plan	DA711 - DA03	Zuri Creative Studio	05/07/2023
Roof Plan	DA712 - DA02	Zuri Creative Studio	06/10/2022
Elevations 01	DA720 - DA02	Zuri Creative Studio	06/10/2022
Elevations 02	DA721 - DA02	Zuri Creative Studio	06/10/2022
Solar Study	DA731 - DA03	Zuri Creative Studio	05/07/2023
5 Bay View Avenue Stormwater Report	Project Number 22.196	6ty ^o	05/07/2023
On-Site Wastewater Disposal Assessment and Design	Reference No. GL23090Ab	GEOTON	08/03/2023

2. The garage is approved for non-habitable residential use only.
3. The areas shown to be set aside for vehicle access and car parking must be:
 - a. completed before the use of the development;
 - b. provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
 - c. drained in a manner that will not cause stormwater nuisance.
4. All roof drainage must be connected to existing water storage tanks and overflow directed to the kerb which requires a new connection to be made in accordance with standard drawing TSD-SW29-v3.
5. The new crossover must be constructed in accordance with standard drawing TSD-R09-v3.
6. An application must be submitted to obtain a Works Permit prior to undertaking any work on the stormwater connection and/or the crossover.
7. During the period of construction, works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
8. All runoff from the proposed driveway must be disposed of within the confines of the property by means that will not result in soil erosion or other stormwater nuisance. Soakage drains must be of sufficient size to absorb stormwater runoff.

9. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
10. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
11. The location of the absorption area, specifically the boundary setbacks, is consistent with AS 1547 appendix R or, is determined on the basis of a rigorous risk assessment in accordance with AS 1547 – 2012; and, the designer inspect the construction of the absorption area and provide to Council certification that the absorption area has been designed in accordance with AS1547 – 2012, and constructed strictly in accordance with the approved design plan and boundary setbacks.
12. The existing septic tank and trench system must be demolished, treated with lime and backfilled. A report by a suitably qualified practitioner in relation to the required work is to be obtained before the issue of an Occupancy Permit.
13. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
14. Native vegetation must not be removed outside that necessitated by the proposed development (this includes the clearing of vegetation to retain or expand views or vistas) unless consented to by Council.
15. All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Works Operations Manager.
16. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.

FOR Councillor B LeFevre, Councillor V Oldham, Councillor K Chapple, Councillor M Tucker

AGAINST Councillor L Johnstone, Councillor Janet Drummond, Councillor I Carter, Councillor K Wright

TIED VOTE – MOTION LOST

- Mayor Tucker noted that no decision was made.
- The General Manager explained that Council had failed to determine the Application as a Lost Motion in this case did not provide a refusal. The General Manager then explained that given this that a Motion to Refuse the application was required and that the grounds for refusal needed to be included in the Motion.
- Mayor Tucker asked if any Councillors who voted against the motion would like to bring another motion, he asked that they please put this forward with the planning grounds on which they wish to refuse the motion.

- Councillor Carter said he wanted to amend his vote. The General Manager advised that this cannot be done as the motion has already been voted on and declared lost. He indicated a motion to refuse would need to be raised.
- No further motion was provided

The Mayor advised the Council that it had now concluded its meeting as a Planning Authority under Section 25 of the Local Government (Meeting Procedures) Regulations 2015.

09/23.7.0 COUNCIL MEETING ACTIONS

09/23.7.1 Outstanding Matters

The report was received.

09/23.8.0 PETITIONS

09/23.8.1 Fingal Housing Petition – Council Response

FILE REFERENCE	014\002\003\
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OFFICER'S RECOMMENDATION:

That Council write to residents and property owners in Fingal providing a response to the content of the Petition which has been received.

INTRODUCTION:

Council officers have provided comments on the Petition received in response to the proposed community housing project at 29 Talbot Street, Fingal. The Petition was brought to the September Council Meeting.

DISCUSSION:

- The General Manager advised that the petition was received at the last Council meeting even though it was not a valid petition. It is recommended that Council write to all residents and property owners in Fingal with their response, not just the petitioners.
- Councillor Drummond said that writing to everyone is less divisive and wanted to clarify why it was considered invalid, was it just because of the number of petitioners. The General Manager said yes they did not have enough.

COUNCIL DECISION:

09/23.8.1.212 Moved: Clr B LeFevre/ Seconded: Clr L Johnstone

That Council write to residents and property owners in Fingal providing a response to the content of the Petition which has been received.

CARRIED UNANIMOUSLY

09/23.9.0 NOTICES OF MOTION

Nil

09/23.10.0 COUNCILLOR'S QUESTIONS ON NOTICE

Nil

09/23.11.0 COUNCILLOR'S QUESTIONS WITHOUT NOTICE

Regulation 29 of the Local Government (Meeting Procedures) Regulations 2005 specifies that in putting a Question Without Notice a Councillor must not offer an argument or opinion, draw any inference or make any imputations except so far as may be necessary to explain the question.

The Chairperson must not permit any debate of a Question without Notice or its answer.

09/23.11.1 St Marys Health Situation – Councillor Wright

I have been approached by a number of concerned residents with similar queries as follows;

- What was the process involved with the engagement of “Ochre Medical” to take over the St Marys Hospital
- Was there a Tender process. If not, why not
- If so, which other companies were invited to make a tender submission. If so where was it advertised and what was the lead time for applications to be presented
- Have any other Medical companies similar to Ochre shown an interest in taking over the contract
- Should council ask that matter be investigated

Reply:

These questions need to be directed to the State Government as it relates to their processes and responsibilities. If residents have concerns they should raise them with the Minister and the Department of Health and Human Services.

09/23.12.0

MAYOR'S & COUNCILLOR'S COMMUNICATIONS

09/23.12.1

Mayor's Communications for Period Ending 18 September 2023

23.08.2023	Fingal	– Eating with Friends at Fingal Valley Neighbourhood House.
28.08.2023	Riverside	– Northern Tasmanian Alliance for Resilient Councils.
28.08.2023	MS Office	– Glamorgan Spring Bay Future of Local Government Review Hearing
30.08.2023	St Marys	– Community Meeting at St Marys with Dr Latt and Health Minister
31.08.2023	St Helens	– Meeting with State Premier Jaensch and Treasurer Shelton
04.09.2023	St Helens	– Council Workshop
05.09.2023	Canberra	– ALGA September Board meeting and Strategic planning session
06-07.09.2023	Canberra	– ALGA National Local Roads and Transport Congress
13.09.2023	Launceston	– NTDC Members Representative Group Meeting
18.09.2023	St Helens	– Council Meeting

09/23.12.2

Councillor's Reports for Period Ending 18 September 2023

This is for Councillors to provide a report for any Committees they are Council Representatives on and will be given at the Council Meeting.

St Helens and Districts Chamber of Commerce and Tourism – Deputy Mayor Kristi Chapple

- Councillor Chapple advised that the Chamber of Commerce will hold a reconvened Annual General Meeting on 26 September 2023 due to the absence of nominations for the Executive Committee.

NRM Special Committee – Clr Janet Drummond

- Councillor Johnstone advised that a meeting was held on Tuesday 5 September 2023. The meeting also included a field trip to the Scamander River Mouth. She also noted the committee now have a new Aboriginal Community Representative.

East Coast Tasmania Tourism (ECTT) – Clr Barry LeFevre

- Councillor LeFevre advised the following:
 - The Annual General Meeting will be held at Triabunna on 28 September 2023.
 - Jen Fry has been offered a renewal of her tenure as chair of ECTT and has accepted.
 - The CEO met with the Telstra General Manager for Tasmania and South Australia who advised that the current upgrades from 4G to 5G are going well. They also said they will be visiting the area from the 20th to 24th November 2023 and will hold a community session.
 - Telstra are fast tracking work in black spots with Diana's Basin and Beaumaris being two areas of focus, their plan is to have 96% coverage along the Great Eastern Drive soon.

Mental Health Action Group – Clr Barry LeFevre

- Councillor LeFevre advised that he has had some preliminary discussions with the CEO of the Neighbourhood Houses with regards to mental health in Break O’Day.

Access and Inclusion Advisory Committee – Clr Janet Drummond

- Councillor Drummond requested that all documents be updated to reflect the change of name to the Access and Inclusion Advisory Committee

Bay of Fires Master Plan Steering Committee – Clr Ian Carter

Nil

09/23.13.0 BUSINESS AND CORPORATE SERVICES

09/23.13.1 Corporate Services Department Report

FILE REFERENCE	018\018\001\
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OFFICER’S RECOMMENDATION:

That the report be received.

INTRODUCTION:

The purpose of this report is to provide Councillors with an update on activities of the Business and Corporate Service Department since the previous Council Meeting.

DISCUSSION:

- Councillor Drummond commented that interest rates have continued to rise and we are getting a better return on our investments. The Manager Business Services said they are starting to come back a little now.

COUNCIL DECISION:

09/23.13.1.213 Moved: Clr J Drummond/ Seconded: Clr B LeFevre

That the report be received.

CARRIED UNANIMOUSLY

FILE REFERENCE	018\018\001\
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OFFICER'S RECOMMENDATION:

That the following reports for the month ending 31 August 2023 be received:

1. Profit and Loss Statements
2. Balance Sheet
3. Statement of Cash Flows
4. Capital Works 2022-2023
5. Profit and Loss

INTRODUCTION:

Presented to Council are the monthly financial statements.

DISCUSSION:

- The Manager Business Services advised that the format of the Capital Works Report has been updated to make it easier to read. He noted we are currently tracking very well and comments have been included for Councillor's information.
- Councillor Drummond asked about the live streaming equipment listed and asked if we have an update. The Corporate Services Coordinator advised that we are waiting on the cameras to arrive, and we are working towards late October for installation and staff training.

COUNCIL DECISION:

09/23.13.2.214 Moved: Clr K Wright/ Seconded: Clr I Carter

That the following reports for the month ending 31 August 2023 be received:

1. Profit and Loss Statements
2. Balance Sheet
3. Statement of Cash Flows
4. Capital Works 2022-2023
5. Profit and Loss

CARRIED UNANIMOUSLY

09/23.13.3 Visitor Information Centre Report

FILE REFERENCE	040\028\002\
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OFFICER'S RECOMMENDATION:

That the report be received.

INTRODUCTION:

The purpose of this report is to provide Councillors with an update on the activities and services the delivered by the Visitor Information Centre since the previous Council Meeting.

DISCUSSION:

- The Manager Business Services advised that we have had the biggest numbers ever during the month, he noted that staff are doing a great job there and our stock levels are high and selling well.
- Councillor Drummond said that, when travelling, she met lots of people who have visited Break O'Day and she received lots of fantastic feedback about our Visitor Information Centre and History Room.
- The Manager Business Services said it shows that people may use digital resources to a certain extent but the capacity to have a face to face discussion is a really important add on.

COUNCIL DECISION:

09/23.13.3.215 Moved: Clr V Oldham/ Seconded: Clr B LeFevre

That the report be received.

CARRIED UNANIMOUSLY

09/23.13.4 Review of Council Delegations

FILE REFERENCE	014\002\010\
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OFFICER'S RECOMMENDATION:

That having conducted a review of Council's Delegations Register in accordance with Section 22 of the *Local Government Act 1993*, the Council adopt the amendments to the Delegations Register dated August 2023, which include:

The addition of Legislation:

- Biosecurity Act 2019
- Biosecurity Regulations 2022

The following Legislation was repealed:

- Weed Management Act 1999

Amendments/additions to the following Legislation:

- Land Use Planning and Approvals Act 1993
- Traffic Act 1925

INTRODUCTION:

The aim of the report is to provide Council with an updated Break O'Day Council Delegations Register following the annual review as required under the *Local Government Act 1993*.

Simmons Wolfhagen have undertaken a further review of delegations on behalf of the Local Government Association of Tasmania (LGAT) dated August 2023. There has been some substantial changes to some Legislation e.g. Weed Management Act 1999 that has been repealed and a new Biosecurity Act 2019 and Biosecurity Regulations 2022 have come into force. A further report has been provided to Council to adopt the changes.

DISCUSSION:

- The Corporate Services Coordinator advised that although we have recently had a full review of delegations undertaken, the Weed Management Act has now been repealed which had resulted in a change of legislation. There have also been some other minor amendments.

COUNCIL DECISION:

09/23.13.4.216 Moved: Clr L Johnstone / Seconded: Clr B LeFevre

That having conducted a review of Council's Delegations Register in accordance with Section 22 of the *Local Government Act 1993*, the Council adopt the amendments to the Delegations Register dated August 2023, which include:

The addition of Legislation:

- Biosecurity Act 2019
- Biosecurity Regulations 2022

The following Legislation was repealed:

- Weed Management Act 1999

Amendments/additions to the following Legislation:

- Land Use Planning and Approvals Act 1993
- Traffic Act 1925

CARRIED UNANIMOUSLY

09/23.14.0 **WORKS AND INFRASTRUCTURE**

09/23.14.1 **Works and Infrastructure Report**

OFFICER'S RECOMMENDATION:

That the report be received by Council.

INTRODUCTION:

This is a monthly summary update of the works undertaken through the Works and Infrastructure Department for the previous month and a summary of the works proposed for the coming month, and information on other items relating to Council's infrastructure assets and capital works programs.

DISCUSSION:

- The Manager Infrastructure and Development Services advised that this is a summary of last month and provides an indication of what is coming up. He noted that there are lots of minor capital works being tidied up and the tender for road resealing is being reviewed later this meeting.
- Councillor LeFevre noted the vandalism that has taken place recently, it appears someone is continually targeting the ladders at the jetties.
- Councillor Drummond said it is great to see what has been done in weed management. She asked what is being done about the issue of gorse in St Marys. The Manager Infrastructure and Community Services said it is predominantly on private land but we attend to this where it impacts on our road reservation.
- Councillor Johnstone said it is hard to know what is Council land and what isn't, she noted as much weeding as possible needs to be done on Council land.

COUNCIL DECISION:

09/23.14.1.217 Moved: Clr B LeFevre/ Seconded: Clr V Oldham

That the report be received by Council.

CARRIED UNANIMOUSLY

09/23.14.2 Animal Control Report

FILE REFERENCE	003\003\018\
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OFFICER'S RECOMMENDATION:

That the report be received by Council.

INTRODUCTION:

This is a monthly update for animal control undertaken since the last meeting of Council.

DISCUSSION:

- The Manager Infrastructure and Development Services noted a typing issue which showed 2022-2023 and should have been 2023-2024. This will be corrected for future reports.

COUNCIL DECISION:

09/23.14.2.218 Moved: Clr V Oldham/ Seconded: Clr K Chapple

That the report be received by Council.

CARRIED UNANIMOUSLY

09/23.14.3 Open Spaces Grants Program – Round 1: Proposed Projects

FILE REFERENCE	039\002\008\
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OFFICER'S RECOMMENDATION:

That Council apply for a total grant amount of \$400,000 (under the Tasmanian Open Spaces Grant Program - Round 1) to fund the following projects:

1. Solar lighting - Georges Bay Foreshore Multi-user track and;
2. Outdoor Gym equipment – Scamander Park.

INTRODUCTION:

The purpose of this report is to seek Councils support in applying for funding for two projects that meet the Program criterion prior to the closing time and date of 5:00pm on Friday, 29 September 2023.

DISCUSSION:

- The Manager Infrastructure and Development Services advised;
 - The grant is currently open and is being run through the Local Government Association of Tasmania.
 - Two potential projects have been workshopped including solar lighting along the foreshore walking track and outdoor gym equipment at Scamander.
 - We are aiming for full funding but recognise that there is a 40% weighting on in kind or other support from the Council.
- Councillor Drummond noted that for the St Marys skate park the donation of the land was considered to be the Council contribution. The General Manager advised that the foreshore track is our asset but is on leased land. For Scamander it will depend on the site we use, one site is owned by Council but the other is Crown Land.
- The Manager Infrastructure and Development Services advised that the guidelines do allow applications for full funding but we need to consider the weighting, we could potentially do the installation and maintenance.

COUNCIL DECISION:

09/23.14.3.219 Moved: Clr B LeFevre/ Seconded: Clr L Johnstone

That Council apply for a total grant amount of \$400,000 (under the Tasmanian Open Spaces Grant Program - Round 1) to fund the following projects:

1. Solar lighting - Georges Bay Foreshore Multi-user track and;
2. Outdoor Gym equipment – Scamander Park.

CARRIED UNANIMOUSLY

09/23.14.4 **Local Roads & Community Infrastructure Program – Phase 4**

FILE REFERENCE	018\019\068\
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OFFICER’S RECOMMENDATION:

That Council endorse the projects tabled in this report for nomination for funding under the Australian Government’s Local Roads & Community Infrastructure Program – Phase 4.

That Council note the additional finances needed for the Ansons Bay Road Sealing Project at \$126,562 and Alexander Street Rehabilitation projects at \$85,000 and includes these supplements in the 2024-2025 capital budget to ensure these projects' success.

INTRODUCTION:

This report aims to seek the Council’s endorsement of projects tabled in this report for nomination for funding under the Australian Government’s Local Roads & Community Infrastructure Program – Phase 4.

DISCUSSION:

- The Manager Infrastructure and Development Services advised:
 - We have been given an allocation of \$1.02 million for phase four projects.
 - These funds are broken into two components, the first is \$640,000 for roads and community infrastructure, the balance is for rural roads only.
 - Potential projects were discussed at the workshop and specific projects recommended.
- Councillor LeFevre said this is very positive and a good spread of projects throughout the municipality.
- Councillor Drummond asked are we still trying to get the Federal Government to fund the sealing of Ansons Bay Road. The General Manager advised that it is still a project for Council to do that but there is a fair bit of work required including engineering and further information to be prepared.
- The Manager Infrastructure and Developments Services noted that funds will need to be allocated in the 2024/2025 financial year to complete the Ansons Bay road sealing project and the Alexander Street project.

COUNCIL DECISION:

09/23.14.4.220 Moved: Clr L Johnstone / Seconded: Clr J Drummond

That Council endorse the projects tabled in this report for nomination for funding under the Australian Government's Local Roads & Community Infrastructure Program – Phase 4.

That Council note the additional finances needed for the Ansons Bay Road Sealing Project at \$126,562 and Alexander Street Rehabilitation projects at \$85,000 and includes these supplements in the 2024-2025 capital budget to ensure these projects' success.

CARRIED UNANIMOUSLY

09/23.14.5 **Waster Transfer Station – Tyre Disposal Charges**

FILE REFERENCE	033\046\001\
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OFFICER'S RECOMMENDATION:

That Council increase Waste Transfer Station (WTS) tyre disposal charges as follows:

- Motorcycle/car: \$7.00 per tyre to \$9.00 per tyre.
- Light truck/4WD: from \$13.50 per tyre to \$17.50 per tyre.
- Truck: from \$29.00 per tyre to \$38.00 per tyre.
- Tractor – up to 1m: from \$40.00 per tyre to \$187.00 per tyre.
- For tyres greater than 1m in diameter, Tyrecycle's current price list applies by "Price on Application."

INTRODUCTION:

The purpose of this report is to:

1. Inform the Council that Tyrecycle, Tasmania's only tyre recycler, has increased its tyre recycling fees, which has triggered a review of the Council's Waste Transfer Station tyre disposal charges.
2. Recommend increases to Waste Transfer Station (WTS) tyre disposal charges in line with increased recycling charges advised by Tyrecycle.

DISCUSSION:

- The Manager Infrastructure and Development Services advised they are recommending an increase to tyre disposal charges as outlined. Tyre Cycle, the only tyre recycling company in Tasmania, put up their prices in February this year and we have only been notified post budget. This will counter those cost increases.

COUNCIL DECISION:

09/23.14.2.221 Moved: Clr B LeFevre/ Seconded: Clr K Chapple

That Council increase Waste Transfer Station (WTS) tyre disposal charges as follows:

- Motorcycle/car: \$7.00 per tyre to \$9.00 per tyre.
- Light truck/4WD: from \$13.50 per tyre to \$17.50 per tyre.
- Truck: from \$29.00 per tyre to \$38.00 per tyre.
- Tractor – up to 1m: from \$40.00 per tyre to \$187.00 per tyre.
- For tyres greater than 1m in diameter, Tyrecycle's current price list applies by "Price on Application."

CARRIED UNANIMOUSLY

09/23.15.0 COMMUNITY DEVELOPMENT

09/23.15.1 Community Services Report

FILE REFERENCE	011\034\006\
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OFFICER'S RECOMMENDATION:

That the report be received.

INTRODUCTION:

The purpose of this report is to provide Councillors with an update of various activities, which are being dealt with by the Community Services Department.

DISCUSSION:

- The Mental Health and Wellbeing Coordinator advised;
 - That they are working on the Youth Strategy and the Youth Strategy work is expected to be completed by June next year.
 - The Community Services Programs Officer met with the Live for Life project last week. The Live for Life Project is a mental health peer support program for young people aged 12-25 years.
 - Scooter Jam has been rescheduled for November and we would like to launch the Youth Strategy into the community at this event.
 - The Festival of Wellbeing is coming up next month, there is a lot of promotion starting to happen and we are spending time supporting contributors.
- Councillor Chapple said she is really looking forward to seeing the momentum happening around the Mens Table and seeing them at the Festival of Wellbeing. The Mental Health and Wellbeing Coordinator said this is a project outcome from the certificate of wellbeing program.

COUNCIL DECISION:

09/23.15.1.222 Moved: Clr K Chapple / Seconded: Clr K Wright

That the report be received.

CARRIED UNANIMOUSLY

09/23.16.0 DEVELOPMENT SERVICES

09/23.16.1 Development Services Report

FILE REFERENCE	031\013\003\
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OFFICER’S RECOMMENDATION:

That the report be received.

INTRODUCTION:

The purpose of this report is to provide Councillors with an update of various activities, which have been dealt with by the Development Services Department since the previous Council meeting.

DISCUSSION:

- The Development Service Coordinator advised the following:
 - The Senior Town Planner has been working on substantial modifications to the Local Provisions Schedule with the Planning Commission.
 - The draft by law has been advertised for public comment until the 6 October 2023.
 - We have also advertised the tender information for the St Marys Indoor Recreation Facility and the Fingal Community Shed.
- Councillor Drummond noted that there are extensive changes that they have asked us to implement, and asked do we have a timeframe for this. The Development Services Coordinator advised we do not have a specific date but noted that the substantial changes need to go back out for public comment.
- Councillor LeFevre asked whether building approval numbers had dropped off. The Development Services Coordinator advised that approvals are down slightly but there is a lot of construction happening and the number of inspections is high.

COUNCIL DECISION:

09/23.16.1.223 Moved: Clr K Chapple/ Seconded: Clr K Wright

That the report be received.

CARRIED UNANIMOUSLY

09/23.16.2 **Naming of Road (Archie Court) – Annie Street Subdivision – DA 266-2005**

FILE REFERENCE	032\005\003\
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OFFICER’S RECOMMENDATION:

That Council approve the use of the name “Archie Court” for the cul de sac currently un-named off Annabel Drive, St Helens (Subdivision Reference – DA266-2005)

INTRODUCTION:

The provision of official street names and property numbering is important to ensure quick and correct property identification for private, commercial and emergency purposes and enable connections to be made to reticulated service systems.

DISCUSSION:

- The Development Services Coordinator advised that the official street name process requires a decision from Council. This street name is in relation to a cul de sac off Annabel Drive and is part of the final stage of the subdivision. The name was proposed by the developer and we have been advised the name is suitable.

COUNCIL DECISION:

09/23.16.2.224 Moved: Clr B LeFevre/ Seconded: Clr K Chapple

That Council approve the use of the name “Archie Court” for the cul de sac currently un-named off Annabel Drive, St Helens (Subdivision Reference – DA266-2005)

CARRIED UNANIMOUSLY

09/23.16.3 Dog Exercise Area Opportunities for St Marys

FILE REFERENCE	003\003\019\
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OFFICER’S RECOMMENDATION:

Council consider providing off-lead dog exercise facilities at the St Marys as part of Council’s review during 2023-2024 of the Break O’Day Council Dog Management Policy 2018 (EP05), including considering community views on locations proposed.

INTRODUCTION:

Review of the Break O’Day Council Dog Management Policy in 2023-24 provides an opportunity to address the lack of a Declared Exercise area and facilities for off-lead exercise of dogs in St Marys within the community.

DISCUSSION:

- The NRM Facilitator advised that we have a need for off lead dog exercise areas in St Marys. He recommended that this be looked at as part of the Dog Policy renewal process and noted the suitable locations which have been listed in the report.
- Councillor Drummond asked when will the review take place. The NRM Facilitator advised that the process will be started this year.
- Councillor LeFevre noted that we have spent a lot of time on this, and said we need to pick a spot which does not impact on houses and get on with it.

COUNCIL DECISION:

09/23.16.3.225 Moved: Clr J Drummond/ Seconded: Clr L Johnstone

Council consider providing off-lead dog exercise facilities at the St Marys as part of Council's review during 2023-2024 of the Break O'Day Council Dog Management Policy 2018 (EP05), including considering community views on locations proposed.

CARRIED UNANIMOUSLY

09/23.17.0 GOVERNANCE

09/23.17.1 General Manager's Report

FILE REFERENCE	002\012\001\
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OFFICER'S RECOMMENDATION:

That the General Manager's report be received.

INTRODUCTION:

The purpose of this report is to provide Councillors with an update of various issues which are being dealt with by the General Manager and with other Council Officers where required.

DISCUSSION:

- The General Manager advised the following:
 - The meeting with Minister Jaensch was quite productive and we had the opportunity to talk to him about a range of projects including the Bay of Fires Master Plan, Education, Parks and Wildlife Service, Climate Change and other local issues like housing.
 - That we are closely monitoring what is happening with regards to healthcare in St Marys.
- Councillor Drummond asked for clarification about whether Ochre Health is taking over the Emergency Department only or will they be providing a General Practitioner (GP) service as well. The General Manager advised that we know for certain that they will take over emergency care and inpatient care but the GP practice is a private practice.
- Councillor Drummond asked if this means that we would likely be without a GP in the near future. The General Manager said he thinks this would be unlikely as the facilities are already in place so another GP could take over quite quickly.
- Councillor Wright said she is confused regarding the setup about the GP side of things, she was under the impression that the facility in the hospital was no longer going to be available for GP services. She noted that this would make it very difficult for another practice to be setup. The General Manager asked where this information came from. Councillor Wright said she was unsure. The General Manager said it is first he has heard of it, he indicated that this may be misinformation within the community.
- The General Manager noted that the State Government is very committed to ensuring the continuity of healthcare services.
- Councillor Johnstone said she feels we have a duty of care for our community but acknowledged that these questions can't necessarily be answered by us. She asked if we should be assisting people to contact Ochre directly.
- The General Manager advised that one of the commitments made by the State Government at the meeting was about coming back to the community with information as things

progressed. We can ask them to provide an update to the community but we will not get information about private negotiations for the GP practice.

- Councillor Drummond said she thinks this is a really good approach. She noted that when we provide more up to date information at regular intervals it helps to dissipate misinformation. People will then know they are being listened to.
- Councillor Johnstone noted that we need to make sure it does not just go to St Marys residents but all community members that use the services.

COUNCIL DECISION:

09/23.17.1.226 Moved: Clr B LeFevre / Seconded: Clr V Oldham

That the General Manager's report be received.

CARRIED UNANIMOUSLY

09/23.17.2 **Break O'Day Tourism Development Strategy 2012-2017 Review**

FILE REFERENCE	011\029\002\
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OFFICER'S RECOMMENDATION:

That Council remove the Break O'Day Tourism Development Strategy as a strategic document of Council (including removal from website) noting that the future Economic Development Strategy shall consider the Tourism Industry as part of its purview.

INTRODUCTION:

The Break O'Day Tourism Development Strategy 2012-2017 was created as a part of the Municipal Plan and before the establishment of the Regional Tourism Organisation (East Coast Tourism Tasmania). Due to its age, several new strategies have rendered the Tourism Strategy outdated. However, it is recommended that given the tourism industry will be reviewed by the upcoming Economic Development Strategy, no further updates or renewal of the Break O'Day Tourism Strategy be made.

DISCUSSION:

- The Economic Development Officer recommended that instead of developing a new strategy that Council consider tourism within our Economic Development Strategy. She advised that the strategies that inform tourism such as the Recreational Trails Strategy and the State Government tourism strategies will also be considered so that they align.
- Councillor Drummond said she thinks this is a good idea but would like to know where the Destination Action Plans will fit into this. The Economic Development Officer advised that these would be considered as part of the stakeholder consultation process. Councillor

Drummond noted that there is a lot of information in the plans which is really relevant and they show what the community want.

COUNCIL DECISION:

09/23.17.2.227 Moved: Clr J Drummond/ Seconded: Clr L Johnstone

That Council remove the Break O’Day Tourism Development Strategy as a strategic document of Council (including removal from website) noting that the future Economic Development Strategy shall consider the Tourism Industry as part of its purview.

CARRIED UNANIMOUSLY

09/23.17.4 **The Lease of a portion of 29 Talbot Street, Fingal to Centacare Evolve Housing**

FILE REFERENCE	038\004\006\
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OFFICER’S RECOMMENDATION:

That Council:

1. Resolve pursuant to Section 178 of the Local Government Act 1993 (“the Act”) that Council by absolute majority authorises the General Manager to commence proceedings to offer for lease the identified section of 29 Talbot Street, Fingal within the Officer’s report and:
 - a. Publish that intention on at least two separate occasions in The Examiner; and
 - b. Display a copy of the notice on any boundary of the public land that abuts a highway; and
 - c. Notify the public that objection to the proposed lease may be made to the General Manager within 21 days of the date of the first publication.
2. Authorise the General Manager to consider and acknowledge any objection received pursuant to Section 178 (6) of the Act and report to a future Council meeting
3. If the General Manager does not receive any objection under Section 178 subsection (4) and an appeal is not made under Section 178A, the General Manager may:
 - (a) Seek legal advice in relation to the terms and conditions of any Tripartite agreement and mortgage required by Homes Tasmania (“Collateral Agreements”) to ensure Council’s interests are appropriately protected;
 - (b) If satisfied that Council should proceed with the Collateral Agreements undertake any necessary negotiations associated with the preparation and finalisation of the written lease (as prepared by Council’s solicitors) ensuring that any lease term does not exceed a period of 10 years (and the total period of any combined optional terms does not exceed 30 years) and to sign that lease document on behalf of Council.

INTRODUCTION:

Council officers have received legal advice, as advised in the February 2023 meeting, in order to continue the housing project at 29 Talbot Street, Fingal. The officer’s recommendations have

ensured that the Council meets the requirements of Section 178 of the Local Government Act 1993 (“the Act”). An absolute majority is required.

DISCUSSION:

- The Economic Development Officer advised that we have received legal advice to ensure that the proposed lease is correct and that we are adhering to all legislative requirements. This must receive an absolute majority vote.
- Councillor Wright asked if we approve the lease side of things are we still considering the concerns of the community that were raised with the petition, or is there further discussion going ahead. The General Manager said this initial decision is to start the process, if we receive objections they will be considered and a report prepared before a decision is made.

COUNCIL DECISION:

09/23.17.4.228 Moved: Clr K Chapple/ Seconded: Clr J Drummond

That Council:

1. Resolve pursuant to Section 178 of the Local Government Act 1993 (“the Act”) that Council by absolute majority authorises the General Manager to commence proceedings to offer for lease the identified section of 29 Talbot Street, Fingal within the Officer’s report and:
 - a. Publish that intention on at least two separate occasions in The Examiner; and
 - b. Display a copy of the notice on any boundary of the public land that abuts a highway; and
 - c. Notify the public that objection to the proposed lease may be made to the General Manager within 21 days of the date of the first publication.
2. Authorise the General Manager to consider and acknowledge any objection received pursuant to Section 178 (6) of the Act and report to a future Council meeting
3. If the General Manager does not receive any objection under Section 178 subsection (4) and an appeal is not made under Section 178A, the General Manager may:
 - (a) Seek legal advice in relation to the terms and conditions of any Tripartite agreement and mortgage required by Homes Tasmania (“Collateral Agreements”) to ensure Council’s interests are appropriately protected;
 - (b) If satisfied that Council should proceed with the Collateral Agreements undertake any necessary negotiations associated with the preparation and finalisation of the written lease (as prepared by Council’s solicitors) ensuring that any lease term does not exceed a period of 10 years (and the total period of any combined optional terms does not exceed 30 years) and to sign that lease document on behalf of Council.

CARRIED UNANIMOUSLY

Pursuant to Regulation 15(1) of the Local Government (Meeting Procedures) Regulations 2015 that Council move into Closed Council.

Moved: Clr B LeFevre / Seconded: Clr V Oldham

CARRIED UNANIMOUSLY

IN CONFIDENCE

09/23.18.0 **CLOSED COUNCIL**

09/23.18.1 **Confirmation of Closed Council Minutes – Council Meeting 21 August 2023**

09/23.18.2 **Outstanding Actions List for Closed Council**

09/23.18.3 **Closed Council Item Pursuant to Section15(2)D Of The Local Government (Meeting Procedures) Regulations 2015 Tender – 2023/2024 Bituminous Surfacing Program**

TO BE PUBLISHED IN THE PUBLIC MINUTES:

08/23.18.3.CC Moved: Clr K Wright / Seconded: Clr V Oldham

That Council award Contract 030\001\145 "2023/2024 Bituminous Surfacing Program" to Crossroads Civil Contracting Pty Ltd.

CARRIED UNANIMOUSLY

09/23.18.4 **Closed Council Item Pursuant to Section15(2)D Of The Local Government (Meeting Procedures) Regulations 2015 Tender – Purchase of Twin Drum Compaction/Pavement Roller**

TO BE PUBLISHED IN THE PUBLIC MINUTES:

08/23.18.4.CC Moved: Clr J Drummond / Seconded: Clr K Wright

That Council approve the purchase of a BOMAG 120 Roller from JF Machinery for \$57,480 excluding GST.

That Council approve a capital budget variation of \$27,480 excluding GST to address the budget shortfall which has been identified upon receipt of quotes.

CARRIED UNANIMOUSLY

Pursuant to Regulation 15(1) of the Local Government (Meeting Procedures) Regulations 2005 that Council move out of Closed Council.

Moved: Clr B LeFevre/ Seconded: Clr K Chapple

CARRIED UNANIMOUSLY

Mayor Tucker thanked everyone for their attendance and declared the meeting closed at 12.13pm.

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MAYOR

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DATE